



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NINKOV Examiner: UNKNOWN
Serial No.: 10/715,886 Group Art Unit: UNKNOWN
Filed: NOVEMBER 17, 2003 Docket: 12996.1USC2
Title: COMPOSITION FOR TREATMENT OF INFECTIONS OF HUMANS AND ANIMALS

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 20, 2004.

By: Kristine A. Walek

Name: Kristine A. Walek

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement and Form 1449
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: Anna M. Nelson

Name: Anna M. Nelson

Reg. No.: 48,935

ANelson:PLSkaw



S/N 10/715,886

PATENT

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By:
Name:

Kazimierz A. Wacek
Kazimierz A. Wacek

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent applications, U.S. Serial No. 10/143,096 filed on May 10, 2002, now U.S. Patent No. 6,414,036 B1 and U.S. Serial No. 09/499,197 filed on February 7, 2000, now U.S. Patent No. 6,649,660 B2.

In accordance with 37 C.F.R. § 1.98(a)(2)(i), a copy U.S. Patent No. 6,649,660 B2 listed on the enclosed Form 1449 is not provided, as this application was filed after June 30, 2003.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to

establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

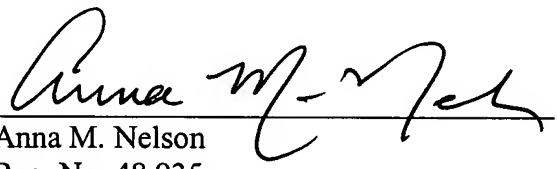
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: February 20, 2004


Anna M. Nelson
Reg. No. 48,935
AMN:PLSkaw



FEB 23 2004

FORM 1449*

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(Use several sheets if necessary)

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,692,916	09/19/1972	La Barbera			
	3,966,779	06/29/1976	Satzinger et al.			
	4,130,638	12/19/1978	Dhabhar et al.			
	4,380,506	04/19/1983	Kimura et al.			
	4,985,465	01/15/1991	Hendler			
	4,992,276	02/12/1991	Dills et al.			
	5,061,491	10/29/1991	Deryabin			
	5,158,774	10/27/1992	Inman			
	5,733,530	03/31/1998	Bacca et al.			
	5,801,153	09/01/1998	Badaway			
	5,871,757	02/16/1999	Cloughley et al.			
	5,891,422	04/06/1999	Pan et al.			
	5,955,086	09/21/1999	DeLuca et al.			
	5,965,518	10/12/1999	Nakatsu et al.			
	5,980,903	11/09/1999	Pruthi et al.			
	5,990,178	11/23/1999	Ninkov			
	6,010,993	01/04/2000	Romano et al.			
	6,106,838	08/22/2000	Nitsas			
	6,203,796 B1	03/20/2001	Papaprodromou			
	6,414,036 B1	07/02/2002	Ninkov			
	6,649,660 B2	11/18/2003	Ninkov			

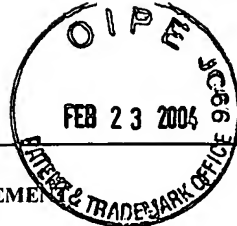
FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	1 692 045 A	05/06/1971	DE			Abstract	
	3 511 862 A	10/09/1986	DE			Abstract	

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	0 424 534 A1	05/02/1991	EP				
	0 904 780 A1	03/31/1999	EP				
	2 467 601 A	05/15/1981	FR			Abstract	
	2 616 327 A	12/16/1988	FR			Abstract	
	2 618 670 A	02/03/1989	FR			Abstract	
	2 625 677 A	07/13/1989	FR			Abstract	
	2 706 770 A1	12/30/1994	FR			Abstract	
	2 715 848 A1	08/11/1995	FR			Abstract	
	916,439	01/23/1963	GB				
	53-66420	06/13/1978	JP			Abstract	
	57-056416 A	04/05/1982	JP			Abstract	
	59-029620 A	02/16/1984	JP			Abstract	
	40-63579 A	02/28/1992	JP			Abstract	
	42-78070 A	10/02/1992	JP			Abstract	
	72-67873 A	10/17/1995	JP			Abstract	
	80-20510 A	01/23/1996	JP			Abstract	
	9 402 650 B1	03/28/1994	KR			Abstract	
	WO 96/37210	11/28/1996	PCT				
	WO 97/01348	01/16/1997	PCT				
	WO 01/15680 A1	03/08/2001	PCT				
	80 355 A	11/30/1982	RO			Abstract	
	108 766 B1	08/30/1994	RO			Abstract	
	2 007 177 C1	02/15/1994	RU			Abstract	
	2 008 013 C1	02/28/1994	RU			Abstract	
	2 013 094 C1	05/30/1994	RU			Abstract	
	1 796 188 A1	02/23/1993	SU			Abstract	
	1 837 887 A3	08/30/1993	SU			Abstract	

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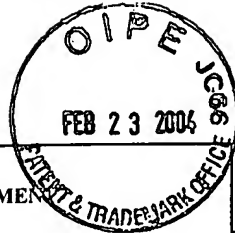
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	"A D P (Emulsified Oil of Oregano)", file://\Audrey\sharedfiles\Oregano%20Information\Similar%20or%20Competing%20Products, 3 pages (Printed May 16, 2001)
	"ARS News & Information", http://www.ars.usda.gov/is/AR/archive/jan01/sci0101.htm , 4 pages (Printed May 25, 2001)
	"ASTA Spice Library - Thyme", http://www.astaspice.org/spice/sp_thyme.htm , 4 pages (Printed May 25, 2001)
	Birdsall, T., "Gastrointestinal Candidiasis: Fact or Fiction?", <i>Alt. Med. Rev.</i> , Vol. 2, No. 5, pp. 346-354, file://\Audrey\sharedfiles\Oregano%20Information\Oregano%20Oil\Gastrointestinal%20Candi", 11 pages (1997)
	"Chronic Candidiasis", file://\Audrey\sharedfiles\Oregano%20Information\Oregano%20Oil\Chronic%20Candidiasis", Healthnotes, Inc., 5 pages (2000)
	"Clinical Data. Clinical Studies - Oral Hygiene", file://\Audrey\sharedfiles\Oregano%20Information\Carvacrol\Discus%20Dental%20-%20Clini", Discus Dental, Inc., 8 pages (2000)
	"Combinatie van natuurlijke middelen en milde conserveringstechnieken leidt tot krachtige conservering", AgriHolland Nieuws: Combinatie van natuur...chnieken leidt tot krachtige conservering.htm", 1 page (Printed May 16, 2001)
	"Denatonium Saccharide", http://www.beyondpesticides.org/infoservices/pesticidefactsheets/toxic/denatoniumsaccharide.htm ", 1 page (Printed May 29, 2001)
	"Dr. Duke's Phytochemical and Ethnobotanical Databases. Chemicals in: <i>Origanum vulgare</i> L. (Lamiaceae) -- Common Turkish Oregano, European Oregano, Oregano, Pot Majoram, Wild Marjoram, Wild Oregano", file://\Audrey\sharedfiles\Oregano%20Information\Oregano%20Oil\Farmacy%20Query.htm", 7 pages (Printed May 16, 2001)
	"Dr. Duke's Phytochemical and Ethnobotanical Databases. Plants Containing CARVACROL", file:///Audrey/sharedfiles/Oregano Information/Carvacrol/Chemical Query.htm", 7 pages (Printed May 16, 2001)
	"Dr. Duke's Phytochemical and Ethnobotanical Databases. Plants Containing THYMOL", file://\Audrey\sharedfiles\Oregano%20Information\Thymol\Chemical%20Query.htm", 4 pages (Printed May 16, 2001)
	Dworkin, N., "The Wonder Oils", http://www.theoriginalneemcompany.com/Articles/thewonderoils.htm , <i>Vegetarian Times</i> , pp. 68-69, (August 1998)
	Emilio Santos Ascarza: "Formulario Espanol de Farmacia Militar," Laboratorio Y Parque Central de Farmacia Militar, Madrid (ES) XP002192733, pages 107-109 (1975), Translation included
	Felter, H. et al., "King's American Dispensatory. Thymol (U.S.P.)--Thymol.", http://www.ibiblio.org/herbmed/eclectic/kings/thymol.html ", 4 pages (Printed May 25, 2001)

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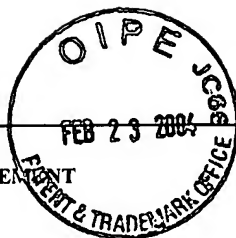
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	Gardner, D. et al., "Proprietes biologiques du carvacrol," <i>Comptes Rendus</i> , Vol. 200, pages 1430-1432, XP008001073 (1935), Translation included
	Guérin, J. et al., "Activité antifongique d'extraits végétaux á usage thérapeutique. II. Étude de 40 extraits sur 9 souches fongiques", <i>Ann. Pharmaceutiques Francaises</i> , Vol. 43, No. 1, pp 77-81 (1985)
	Hardin, B., "Plant Oils Help Abate Livestock Odors", http://www.ars.usda.gov/is/pr/2000/000912.htm , 2 pages (September 12, 2000)
	"Healthcare-North American Herb and Spice Co. NAHSC Oil of Oregano", http://www.birthandbaby.com/stores/Family_Resources/categories/cp351.html , 2 pages (Printed May 29, 2001)
	"Herbages", http://members.netscapeonline.co.uk/gbakerpva/Herbages-Poultry.htm , 1 page (Printed May 29, 2001)
	"Herbs. Oregano Oil", http://www.libertyzone.com/hz-Herbs.html , 1 page (May 29, 2001)
	"Herbs-Botanicals-Therapeutic Plants", http://www.libertyzone.com/hz-Herbs.html , 6 pages (Printed May 25, 2001)
	"12.6 Herbs and Herbal Remedies", http://www.uic.edu/classes/osci/osci590/12_6%20Herbs%20and%20Herbal%20Femedies.htm , 2 pages (Printed May 29, 2001)
	"K&W Herbs", http://www.kandwherbs.com/thyme.html , 1 page (Printed May 25, 2001)
	"Listerine Antiseptic", http://www.oral-care.com/conaffairs/listerine.shtml , Pfizer Inc., 2 pages (2001)
	"New Alcohol Free Extracts, Now Foods Vitamins", file:///Audrey/sharedfiles/Oregano Infor...hol free extracts, Now Foods Vitamins.htm , 9 pages (Printed May 16, 2001)
	"Oil of Oregano", http://www.organumoil.com/oil_of_oregano.htm , 3 pages (Printed May 29, 2001)
	"Oil of Oregano, Oregamax, Hercules Strength and More ...", http://www.pennysaved.com/oregano.htm , 9 pages (Printed May 29, 2001)
	"Oil of Oregano. What makes Oil of Oregano so great", http://www.oilforegano.com/pages/description.html , 5 pages (Printed May 29, 2001)
	Ondarza, M. et al., "Steam Distillation and Supercritical Fluid Extraction of Some Mexican Spices", <i>Chromatographia</i> , Vol. 30, No. 1/2, pp. 16-18 (July 1990)
	"Oral Hygiene", http://www.discusdental.com/oralhygiene/breathrx , Discus Dental, Inc., 2 pages (2000)
	"Oregano (Origanum vulgare)", http://www.jps.net/ahaherb/newsletter.html , 1 page (Printed May 29, 2001)
	"Oregano (Thymus capitatus)", http://www.celestialtouch.com/eoporeg.html , 2 pages (Printed May 29, 2001)
	"Oregano Essential Oil", http://www.oneplanetnatural.com/oreganoeo.htm , 1 page (Printed May 29, 2001)
	"Oregano: The Master Protectant", http://www.greatamericanproducts.com/newsletter/issue69.html , 1 page (Printed May 29, 2001)
	"Oregano Oil-The Most Powerful Plant-Derived Antiseptic", http://www.uncleharrys.com/infobase/product/oregano.htm , 2 pages (Printed May 29, 2001)

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	"Oregano/Wild Marjaoram (<i>Origanum vulgare</i>)", file://\Audrey\sharedfiles\Oregano%20Information\Oregano%20Oil\Organo,%20Wild%20, Healthnotes, Inc., 4 pages (2000)
	"Organicfood.co.uk", http://www.organicfood.co.uk/herbs/thyme.html ", 2 pages (Printed May 25, 2001)
	"Publications", http://www.ecopharm.gr/R_o_pb.html ", 24 pages (Printed May 29, 2001)
	"Re: Mothballs", http://palimpsest.stanford.edu/byform/mailling-lists/exlibris/1993/05/msg00126.html ", 1 page (Printed May 25, 2001)
	"Salonpas 10 Sheets", http://www.teamdrugs.com/Rubs_18024.html ", 1 page (Printed May 29, 2001)
	"Saskatchewan Herb and Spice Association", http://paridss.usask.ca/specialcrop/commodity/herb_spice/tour/thyme.html ", 6 pages (Printed May 25, 2001)
	"Soil, Water and Air Quality Research, ARS Quarterly Report, July - September 2000", http://www.ars.usda.gov/is/qtr/q300/swa300.htm ", 2 pages (Last Updated November 28, 2000)
	"Tell me More About CT Cream", http://www.ctcream.com/about.htm ", 2 pages (Printed May 29, 2001)
	Tedeschi, G. et al.: "Ricerche sull'azione antivitaminica E del timolo, carvacrolo, guaiacolo," <i>Boll. Soc. Ital. Biol. Sper.</i> , Vol. 30, pages 727-729, XP008001072 (1954), Translation included
	"Thanksgiving -- Essential Culinary Herbs", http://www.prevention.com/cooking/news/971125.news10.html ", 2 pages (Printed May 25, 2001)
	<i>The Merck Index. An Encyclopedia of Chemicals, Durgs, and Biologicals</i> , Twelfth Edition, Published by Merck Research Laboratories Division of Merck & Co., Inc., Whitehouse Station, NJ, pp.308, 1604 (1996)
	"Thyme (<i>Thymus vulgaris</i>)", http://www.gardenguides.com/herbs/thyme.htm ", 3 pages (Printed May 22, 2001)
	"Thymol", United States Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances", 4 pages (September 1993)
	" <i>Thymus vulgaris</i> (Thyme)", http://www.ann.com.au/herbs/Monographs/thymus.htm ", 3 pages (Printed May 25, 2001)
	"Tonsillitis", http://www.lifebalm.com/ailments/tonsillitis.html ", 3 pages (Printed May 29, 2001)
	"Tooth Decay", http://www.mothernature.com/library/books/thegreenpharmacy/tooth_decay.asp ", 4 pages (Printed May 29, 2001)
	Ueckert, J., "Antimicrobial Action on the Outer and Cytoplasmic Membrane of <i>E. Coli</i> 9001 Assessed by Flow Cytometry", http://www.wiley.com/products/subject/life/cytometry/isac2000/6423htm ", 2 pages (Printed May 25, 2001)
	Varel, V. et al., "Effect of Carvacrol and Thymol on Odor Emissions from Livestock Wastes", file://\Audrey\sharedfiles\Oregano%20Information\Thymol\EFFECT%20OF%20CARVACRC", 1 page (Last Updated January 24, 2001)
	"Vicks TM Vaporub", file://\Audrey\sharedfiles\Oregano%20Information\Thymol\vics.htm", 2 pages (Printed May 16, 2001)

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		"Vita (Europe) Limited - Products", http://www.beekeeping.com/vita/products.htm ", 6 pages (Printed May 22, 2001)
		"WebMD Canada - Thyme", http://my.webmd.ca/content/article/3187.10174 , 2 pages (Printed May 25, 2001)
		"WebLens search portal: evaluating online information, quality, reliability", http://www.weblens.org/quality.html ", Blackstone Marketing & Communications, 2 pages (1997)
		"Wild Oregano Essential Oil", http://www.theherbsplace.com/oregano.html ", 3 pages (Printed May 29, 2001)
		"Wild Oregano Oil, respiratory, indigestion, Oregano", http://www.pacifichealth.com/products/oregano.html ", 2 pages (Printed May 29, 2001)
		"Workout Liniment for Arthritis and Sports Injuries - HOME", http://www.hurtout.com ", 2 pages (Printed May 29, 2001)
		Yarrow, G., "Vertebrate Pests", .../documents%5CMammalsSquirrels,%20Eastern%20Gray%20and%20Southern%20Flying", 2 pages (Printed May 22, 2001)
		"Yeast Infection", file://\\Audrey\\sharedfiles\\Oregano%20Information\\Oregano%20Oil\\Yeast%20Infection.htm", Healthnotes, Inc., 4 pages (2000)
		"Young Living Essential Oils™ and Products", http://www.therapure.com/yleo/dentarome.htm ", 3 pages (Printed May 29, 2001)

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